

**Special Exception for additions, alterations or improvements to buildings or structures built before June 29, 1953 that do not conform to the minimum setback requirements or for any building or structure built after June 29, 1953 that was in compliance with applicable setback requirements at the time of construction.**

**TOWN OF MERRIMACK ZONING BOARD OF ADJUSTMENT**

Application for a Special Exception (RSA 674:33)

DATE SUBMITTED: \_\_\_\_\_ Case #: \_\_\_\_\_

Tax Map \_\_\_\_\_/Lot \_\_\_\_\_ Zoning District(s): \_\_\_\_\_

Address of Subject Property: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ e-mail: \_\_\_\_\_

Is Applicant the property owner? \_\_\_ Yes \_\_\_ No

If no, identify Owner

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ e-mail: \_\_\_\_\_

Owner's Signature (or attach Letter of Authorization): \_\_\_\_\_

\*\*\*\*\*

**All Special Exception Requests:**

Brief description of proposed use showing justification for a Special Exception as specified in the Zoning Ordinance, Section(s) 3.09 .

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please attach additional sheets, plans, etc. if needed to support request for Special Exception.

I/We do authorize the Town of Merrimack Zoning Board of Adjustment and staff to enter upon the above referenced property for inspection.

\_\_\_\_\_  
Name of Applicant (*Please Print*)

\_\_\_\_\_  
Name of Property Owner, if Different from Applicant (*Please Print*)

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Property Owner, if Different from Applicant

**Special Exception for additions, alterations or improvements to buildings or structures built before June 29, 1953 that do not conform to the minimum setback requirements set forth in this section or for any building or structure built after June 29, 1953 that was in compliance with applicable setback requirements at the time of construction.**

For requests for a **Special Exception** to allow for additions, alterations or improvements to buildings or structures **built before June 29, 1953** that do not conform to the minimum setback requirements set forth in this section **or** for any building or structure **built after June 29, 1953** that was in compliance with applicable setback requirements at the time of construction, but that has been rendered nonconforming due to a subsequent change in the Zoning Ordinance where it can be shown that the proposed additions, alterations or improvements satisfy all of the following criteria according to Section 3.09:

1. The additions, alterations or improvements are for a use currently permitted within the Zoning district because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The additions, alterations or improvements are ordinarily and customarily associated with the existing building and/or use because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The additions, alterations or improvements would serve to promote the reuse, restoration, rehabilitation or otherwise enhance an existing building or structure, especially an historic or potentially historic building or structure because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The additions, alterations or improvements would not result in increased hazards to vehicles or pedestrians; impair or impede emergency vehicle access or the provision of emergency services, or encroach on planned right of way corridors because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. The additions, alterations or improvements would not result in unreasonable impacts to abutting properties by way of increased noise, visual blight, odor or other nuisance because: \_\_\_\_\_

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6. Adequate parking and other necessary support facilities would be provided for the existing building or structure as well as for the proposed addition, alteration or improvement because: \_\_\_\_\_

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7. The proposed improvement would have been allowed by right prior to adoption of the zoning ordinance provision at issue because: \_\_\_\_\_

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8. The proposed improvement cannot reasonably be constructed in a differing way or in a differing portion of the property so as to comply with existing setback requirements because: \_\_\_\_\_

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### ABUTTER NOTIFICATION

Please be advised that, per RSA 676:7 (I), the Zoning Board of Adjustment is required to notify the following parties by certified mail - mailed at least five (5) days prior to the date of the meeting at which an item is to be discussed:

- 1) Applicant;
- 2) Abutters\*;
- 3) Holders of conservation, preservation, or agricultural preservation restrictions;
- 4) Every engineer, architect, land surveyor or soil scientist whose professional seal appears on the plan (if applicable).

**\*Abutters are required to be "as indicated in the town assessing records not more than 5 days before the day of filing", per RSA 676:4 (I)(b)** (Please complete the certification below).

**Definition of "Abutter" (RSA 672:3):** Any person whose property is located in New Hampshire and **adjoins** or is **directly across the street or stream** from the land under consideration by the local land use board. In the case of an abutting property being under a **condominium** or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. In the case of an abutting property being under a **manufactured housing park** form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

In order for us to properly comply with the statutory requirements for Zoning Board of Adjustment notices, the Applicant needs to provide us with information for all of the above-mentioned parties, and provide payment for us to cover the costs of notice. Failure to do so will constitute sufficient reason for the application to be denied as "Incomplete".

**A sample format for compiling/submitting this information is on the reverse.**

### ABUTTERS TO BE NOTIFIED

Please sign and submit the following certification:

I hereby certify that the attached abutter information is as indicated in the Town of Merrimack Assessor's records as of \_\_\_\_\_, 20\_\_\_\_.  
*(date)*

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Print name)*

Please Utilize Below Format for Compiling/Submitting Abutter Information

Abutter 1  
Abutter 1 Address  
City State Zip

Abutter 2  
Abutter 2 Address  
City State Zip

Etc.

**OTHER PARTIES TO NOTIFY** *(include all that apply)*

Applicant  
Applicant's Address  
City State Zip

Owner (if different from Applicant)  
Owner's Address  
City State Zip

Engineer  
Engineer's Address  
City State Zip

Architect  
Architect's Address  
City State Zip

Land Surveyor  
Land Surveyor's Address  
City State Zip

Soil Scientist  
Soil Scientist's Address  
City State Zip

*Also list, individually, any holders of any conservation, preservation, or agricultural preservation restrictions that apply to the subject property*

**IMPORTANT: Attach two (2) sets of mailing labels for all parties identified above.**

**CHECKLIST REQUIREMENTS**

All requests for a Special Exception shall be accompanied by a properly completed, dated and signed Application for a Special Exception, which shall contain the following:

		<u>Applicant</u> (√)	<u>CDD</u> (√)
1.	Tax Map _____/Lot _____	_____	_____
2.	Name and address of applicant.	_____	_____
3.	Name and address of property owner (if different).	_____	_____
4.	For uses other than an ADU, attach additional sheets, maps, plans, etc. as needed to support request for special exception.	_____	_____
5.	For a proposed ADU, per Section 2.02.1(B)(2), a completed building permit application including a scaled floor plan with dimensions of ADU and the level of the home where the apartment is to be located must be submitted with the application. All ingress/egress locations (existing and proposed) must be shown on the plan.	_____	_____
6.	A list, and two (2) sets of address labels, with the names & legal addresses of applicant, property owner, and all property owners abutting the subject parcel, including those directly across the street or stream.	_____	_____
7.	Certification by applicant that the abutters are as indicated in the Town of Merrimack Assessor’s records, not more than 5 days prior to day of filing.	_____	_____
8.	Signed authorization for the Zoning Board and staff to enter upon the subject property for inspection.	_____	_____
9.	Application fee(s) and abutter notification fee.	_____	_____

Revised: 2/19/2014